

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ERIC R. SPRONZ,

Plaintiff,

AFFIDAVIT

-against-

COUNTY OF SUFFOLK, SUFFOLK COUNTY EXECUTIVE
STEVEN BELLONE, in his official capacity only.
SUFFOLK COUNTY POLICE COMMISSIONER RODNEY K.
HARRISON, in his official capacity only, SUFFOLK
COUNTY COMMANDING OFFICER OF THE PISTOL LICENSING
BUREAU LIEUTENANT MICHAEL KOMOROWSKI, in his
official capacity only, SUFFOLK COUNTY POLICE
OFFICER KEVIN WUSTENHOFF, in his individual and
official capacity, SUFFOLK COUNTY POLICE
OFFICER/PISTOL LICENSING BUREAU,
in his individual and official
capacity, JOHN AND JANE DOE NO. 1-10, in their
official and in their individual capacity.

Defendants.

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COUNTY OF SUFFOLK)
 :
STATE OF NEW YORK)

ERIC R. SPRONZ, hereby affirms under the penalty of perjury
the following:

1. I am the plaintiff in the above captioned matter and as
such I am fully familiar with all the facts, circumstances and
proceedings heretofore.

2. As the plaintiff in the above captioned matter, I
verified the Complaint.

3. I submit this Affidavit in support of this Order to
Show Cause to seek the return of my pistol license and the return
of all my weapons seized by the Suffolk County Police Department

Pistol License Section.

4. On February 18, 2023, I assisted my office manager from moving out of her soon to be former brother-in-law's home as she was involved in a divorce proceeding with her husband and had to leave the marital apartment. I arrived with 4 other people. I drove my pick-up truck to the location to carry the items. We had to move one large couch & Dresser. I am licenced to carry a firearm as I am a Neuropsychiatric Nurse Practitioner, I am on call for response to my patients. Please see copy of my Pistol License annexed hereto as **Exhibits "1" and "2"**. I make various house calls with controlled substances. I have a DEA license number to proscribe, order, inject, administer and deliver controlled substances to all types of patients, including terminally ill hospice patients needing pain relief. Plaintiff's DEA License Number is MS3918197.

5. While at the location I leaned into my vehicle to obtain tools to disassemble the items that we were moving when my office manager's landlord, her husband's brother, approached me and made a statement "you are wearing a gun" which was more of a question than a statement. I answered him by stating that I was licensed to carry a weapon and I do so. He then asked if I was law enforcement, even though he was well aware that I am not. I answered no, I am not affiliated with any law enforcement organization. He then walked away. A few minutes later a Suffolk County Police car arrived. The officers approached me

and they were courteous and asked if I had a weapon. I stated that I did and was instructed to remove it, render it safe and allow them to inspect it. I advised that I had a business/carry issued on May 14, 2021, and upgraded to concealed carry weapon in November of 2022. They inspected my weapon and my permit and advised that the landlord made a complaint that he saw my weapon. I advised that I did not expose my weapon at any time. The police report that I was cooperative with notifying responding officers of my weapon (See Police Report annexed hereto as **Exhibit "3"**). The police then returned my weapon and I left the location with the furniture and thought nothing of the event as the responding officers stated there was no issue.

6. Notwithstanding the responding officer's lack of concern I sent a statement to Pistol Bureau via fax on February 18, 2023 notifying the Suffolk County Pistol License Section of the encounter as is required the Suffolk County Pistol License Handbook. Please see copy of statement annexed hereto as **Exhibit "4"**.

7. On February 27, 2023, I received a telephone call from Police Officer Wustenhoff advising that my Pistol License was suspended and that I had "30 minutes to go and surrender your guns or I will send an officer to come and get them". It was snowing and I said that I was putting my son to sleep and that I could not make it there in 30 minutes. I was told to "get someone to watch him or I can send a car to your house to collect the guns". Police Officer Wustenhoff then stated "You should think about having her as the office manager, she and everyone in that house drug arrests". He also stated "knowing that there was a potential for domestic violence makes

me wonder about your moral character and you have a gun around your 7 year old". I was stunned by these inappropriate comments. On 2/27/23 at approximately 9:20 p.m. or so I arrived at the 6th Precinct in Selden as it took me some time to get there because it was snowing very heavily at that point. I went in first and was informed of the need to surrender my weapons and license as per Police Officer Wustenhoff. They explained the process. Then an officer escorted me to my vehicle and retrieved my weapons. Hand guns all cleared and verified by desk officer. See attached Inventory Sheet annexed hereto as **Exhibit "5"**.

8. On February 28, 2023, I contacted Ray Tierney, District Attorney for Suffolk County, for clarification on the issue as I had never exposed, shown, removed, held or did anything but have a pistol in a holster on my belt. Mr. Tierney said that he will look into it.

9. On March 3, 2023 I contacted Suffolk County Police Department Deputy Chief Chris Bergold, and advised him of the event and my subsequent suspension.. I also advised him of my conversations regarding the very unprofessional Police Officer Wustenhoff. The Deputy Chief stated "I know him and he is a real buffoon. I'll call over to the head of the pistol division". At that time the Deputy Chief stated that "you can google Wustenhoff" in reference to P.O. Wostenhoff. I did as instructed and learned that P.O. Wustenhoff had lied to cover up for a fellow Suffolk County Police Officer who injured people while driving intoxicated. P.O. Wustenhoff claimed he had given the other officer a breathalyzer test when he had not. In the afternoon on March 3, 2023 I found a Notice from the United States Post Office advising that I had a certified letter. The

following day, March 4, 2023, I picked up the certified letter at the Port Jefferson Station Post Office. Their letter was dated 2/27/23. Please see a copy of said letter annexed hereto as **Exhibit "6"**.

10. This letter advised that I submit in writing a notarized letter regarding the original incident. I contacted the people who were with me on the date of the incident and obtained sworn witness statements from Dan Walker and Marie Allgiere see **Exhibit "7"**.

11. On March 6, 2023, I sent my statement with color photographs demonstrating the clothes that I wore on the day of the incident and that my gun was always concealed. I sent both my statement along with the witness statements via certified mail. Please see statements dated March 5, 2023 with photographs, annexed hereto as **Exhibit "8"**.

12. On March 8, 2023, Police Officer Wustenhoff contacted me by telephone at approximately 12:00 p.m. He was furious stating that I should not have sent anything but my witness statement and that I had no right to send in the other sworn statements. He demanded to know why I had done so and I stated that I was advised by counsel to provide my statement and the statements of any witnesses who were available on the day of the incident.

13. On or about March 29, 2023, I was called and notified by Lieutenant Komorowski that my pistol permit was suspended and my weapons were seized due to a false allegation that my weapon was exposed and in view. I asked when I would get my license and weapons returned and was advised that it was a 6 month suspension. I requested when I would receive something in writing and was told I would not be getting anything in writing. I then

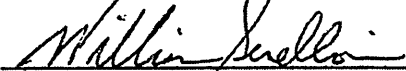
on the advice of counsel contacted Police Officer Wustenhoff the following Monday April 3, 2023 to confirm this and was told the same thing. I inquired of him as to when I would get something in writing and he too advised that nothing in writing would be coming to me and they would advise me when my suspension period was over.

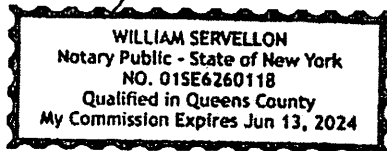
14. I complied and surrendered my pistol permit and weapons. I am a law abiding citizen. I have committed no act or crime for which I should be punished, nevertheless disarmed from carrying a firearm. At no point have I been charged or convicted or a crime. At no point have I been committed to a mental health facility. The defendants, individually and jointly, have taken my firearms and not allowed the return of my firearms. I am suffering great financial harm as I now cannot deliver the controlled medications to many of my patients who live in high crime areas. The defendants, individually and collectively, have enforced a policy against me that serves to deprive me of my ability to exercise my Second Amendment rights. I point out that this policy is more draconian than the red flag laws being struck down by the federal and state courts. Here the Suffolk County Police Department has summarily decided that I have violated a rule they made up which is found no where in their handbook which they claim sets out all their rules regarding carrying a firearm. They have sought no court intervention and they alone are the triers of all facts and law without any neutral and detached

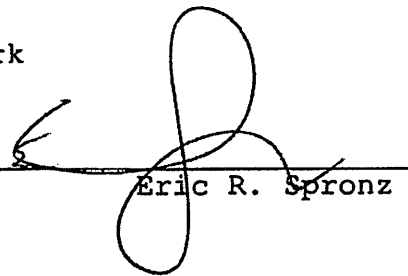
magistrate reviewing the matter. Their word is the law and let no man challenge their authority and the U.S. Constitution and all of its Amendments, including but not limited to the 2nd Amendment, the 4th Amendment, 5th Amendment, as well as all others that may apply be damned.

Dated: April 19, 2023
Central Islip, New York

Sworn to before me this 21st
day of April, 2023


Notary Public




Eric R. Spronz